

No. 25-1017

In the Supreme Court of the United States

REPUBLICAN NATIONAL COMMITTEE, PETITIONER,

v.

MI FAMILIA VOTA, ET AL., RESPONDENTS.

*ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT*

**BRIEF OF *AMICI CURIAE* PROFESSORS
DANIEL A. SMITH AND KENNETH R. MAYER
SUPPORTING RESPONDENTS**

JUSTIN GARRATT
ARNOLD & PORTER
KAYE SCHOLER LLP
777 South Figueroa Street
44th Floor
Los Angeles, CA 90017
(213) 243-4000

JOHN A. FREEDMAN
Counsel of Record
JEREMY KARPATKIN
NANCY L. PERKINS
ARNOLD & PORTER
KAYE SCHOLER LLP
601 Massachusetts Ave., NW
Washington, DC 20001
(202) 942-5000
john.freedman@arnoldporter.com

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INTERESTS OF *AMICI CURIAE*¹

Amici are political scientists² who specialize in the analysis of voting, electoral participation, voter registration and the use of voter registration lists and other databases to evaluate the effectiveness and efficiency of the management of voter registration systems by state and local election officials. Their work includes evaluating the various methods and data sources used by election officials to maintain and upgrade voter registration rolls. Amici have served as expert witnesses and consultants in cases related to purges, maintenance of voter registration rolls, and changes to voter registration procedures. They have also published many peer-reviewed articles on the subject.

As this case involves the use of various large government databases for the purpose of identifying individuals who may be ineligible to register to vote, Amici seek to assist the court in understanding the inherent limitations in and potential errors associated with the use of these databases for the purpose of identifying noncitizens in state voter registration lists. Amici have significant academic and practical experience in evaluating voter registration data, working with local election officials responsible for the maintenance of voter

¹ Pursuant to Supreme Court Rule 37.6, counsel for amici curiae state that no counsel for a party authored this brief in whole or in part and that no person other than amici curiae or their counsel made a monetary contribution to the preparation or submission of this brief. Counsel for amici state that they were part of a legal team that successfully represented other clients in proceedings below on issues not presented in the petition for certiorari, the petitioners did not seek certiorari on these issues, and that counsel and amici have not participated in the proceedings before this Court.

² The views in this brief are those of the amici curiae only and not necessarily of any institutions with which they are or have been affiliated.

registration roles and in assessing efforts by states to use various large databases to identify ineligible voters, including noncitizens.

Amicus Daniel A Smith is Professor (and former Chair) of the Department of Political Science at the University of Florida and a University of Florida Research Foundation Professor. He has published numerous articles, book chapters, and reports on politics in the United States in many of the leading political science outlets, including the American Political Science Review, the American Journal of Political Science, and the Journal of Politics. The past president of the State Politics and Policy Section of the American Political Science Association, Professor Smith's scholarly research has examined the effects electoral laws on voting and political participation in the United States.

Amicus Kenneth R. Mayer is an Emeritus Professor of American Politics at the University of Wisconsin-Madison. Dr. Mayer has published numerous books and scholarly articles on elections and election administration, including work published in the American Journal of Political Science, the Journal of Politics, Legislative Studies Quarterly, Public Administration Review, Election Law Journal, PS: Political Science and Politics, and Regulation. Professor Mayer's scholarly research are in American government and institution, campaign finance, and election administration.

SUMMARY OF ARGUMENT

The core of the legislation challenged in this litigation, Arizona H.B. 2492 and H.B. 2243 ("the Challenged Legislation"), is a requirement that county election officials to cancel the voter registration of any voter whose citizenship cannot be confirmed after checking certain statutorily specified databases maintained by municipalities, the State of Arizona, and

the federal government. Ariz. Rev. Stat. § 16-165(A)(10), (G)-(K). The statute requires monthly reviews of registration lists against these databases, and the subsequent removal of registered voters, including within 90 days of elections.

The citizenship check mechanism is premised on two assumptions: (i) that the databases to be consulted are reliable sources to determine citizenship information and (ii) that there is a reliable process by which data can be matched to voter registration records. Both of these assumptions are wrong.

First, as confirmed by Amici's decades of experience working with and analyzing voter records and public databases, and reviewing prior attempts by state officials to use these databases to confirm citizenship, the quality of information in these databases cannot provide a basis for confidently verifying the citizenship of particular people. By and large, these databases were not designed to verify citizenship, and for a myriad of reasons, they are incapable of doing so without significant error rates.

Second, the results of the matching processes which have been employed to compare voter records with other databases have proven repeatedly to be massively inaccurate. Amici's research and investigations demonstrate that matching data across databases with different architectures and without common fields poses inherent difficulties that inevitably introduce a second source of error.

Errors in this context—particularly the false identification of an eligible voter as ineligible because of misidentification as a noncitizen—have serious consequences. When a voter is denied access to the polls based on such false identification in the days and weeks leading up to an election, as a practical matter, there may be no time to remedy an erroneous removal.

ARGUMENT

One of the key mechanisms of the Challenged Legislation is the requirement for county election officials to remove voters whose citizenship cannot be independently verified by matching their voter information against information contained in a discrete set of specified databases. The Arizona legislature's confidence in this process, as well as in the underlying technology, was unwarranted. And if the Challenged Legislation is allowed to take effect, it will almost certainly result in efforts to remove properly registered voters due to common and well-known limitations of the underlying data and the flawed process of matching data across databases.

I. VOTER RECORD "MATCHING" HAS MANY WELL-KNOWN FLAWS

Based on Amici's long experience with the relevant databases, citizenship verification procedures that rely on matching records across large databases have many flaws. For purposes of this analysis, these flaws fall into two broad categories: the quality of the information in the underlying databases, and errors in the process of matching records across databases.

A. The Data Quality of the Designated Databases Is Inadequate to Accurately Verify Citizenship

The Challenged Legislation requires county election officials to check citizenship against four identified databases – (i) the “driver license database maintained by the [Arizona] department of transportation,” (ii) “the social security administration database,” (iii) “the systematic alien verification for entitlements program maintained by” the United States Citizenship and Immigration Services, and (iv) the “electronic verification of vital events system maintained by” the National Association for Public Health Statistics and Information

Systems”—as well as unspecified “relevant city, town, county, state, and federal databases. . . .” Ariz. Rev. Stat. § 16-165(G)-(K) (collectively, the “Designated Databases”). The data in each of these databases are inadequate to reliably verify citizenship, for at least one of three key reasons: (i) the lack of comprehensiveness of the data, including the lack of consistency in data maintained, (ii) the staleness of the data, and (iii) mundane data entry errors.

1. The Databases Lack the Comprehensiveness and Consistency to Accurately Confirm Citizenship

The ability of a database to accurately confirm citizenship is necessarily limited by the scope of the data in the database and whether the data has consistently tracked citizenship. As the National Research Council summarized in its 2010 report *Improving State Voter Registration Databases* “completeness refers to the presence in the database of all individuals who *should* be in the database.”³

None of the Designated Databases has as its primary purpose the tracking of citizenship data. The Arizona Department of Transportation (ADOT) database’s purpose is to allow status of drivers’ licensure to be tracked, while both the Social Security Administration (SSA) databases and the U.S. Citizenship and Immigration Services (USCIS) Systematic Alien Verification for Entitlements (SAVE) system are designed to track entitlement or eligibility to benefits. Not surprisingly, therefore, they are all inadequate, separately or in combination, to provide citizenship verification.

³ Nat’l Acads. of Scis., Eng’g, & Med., *Improving State Voter Registration Databases* (2010) at 17, <https://www.nationalacademies.org/read/12788/>

Indeed, all of the Designated Databases have significant gaps in their coverage, particularly gaps in tracking citizenship status.

For example, the Social Security Administration did not start collecting evidence of citizenship until 1973 and did not begin consistently maintaining citizenship information until 1981. *See Soc. Sec. Admin., Social Security Number Chronology*, <https://www.ssa.gov/history/ssn/ssnchron.html>; Letter from Social Security Administration to Fair Elections Center (Jul. 13, 2023) (“SSA/FEC Letter”), <https://perma.cc/KS2N-U2US>. Merely having a social security number is not an indication that an individual is a U.S. citizen, as noncitizens are permitted to obtain social security numbers for tax and benefits purposes. *Soc. Sec. Admin., Foreign Workers and Social Security Numbers*, <https://www.ssa.gov/pubs/EN-05-10107.pdf>. The SSA warns that SSA data used for any purpose other than a SSA program purpose “may not be current.” SSA/FEC Letter at 2. In 2023, SSA estimated that approximately one-fourth of its records lacked an indication of citizenship. *Id.* at 3.

The SAVE system is a system of information created in 1986 to verify whether noncitizens are eligible for certain government benefits. *See* Pub. L. No. 99-603, title I, §§ 121(a)(1)(C), 121(c)(1). As such, the system was not designed or intended to identify U.S. citizens. Privacy Impact Assessment for the Systematic Alien Verification Entitlements Program, DHS Ref. N. DHS/USCIS/PIA-006(c), Dept. Of Homeland Sec., 2-3 (June 30, 2020), [privacy-pia-uscis006c-save-july2020.pdf](https://www.dhs.gov/privacy-pia-uscis006c-save-july2020.pdf). SAVE does not track citizenship status of native-born U.S. citizens and in some cases does not track citizenship information for individuals with derived citizenship. App. 204a.

As for the Arizona Department of Transportation, like Motor Vehicle Departments across the country, it

only has records for individuals with a driver's license or who have obtained some other form of state-issued identification. Public opinion surveys estimate that approximately 21 million voting-aged U.S. citizens did not have non-expired driver's licenses. *See* Univ. of Md. Ctr. for Democracy & Civ. Engagement, *Who Lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge* (Jan. 2024), <https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID%202023%20survey%20Key%20Results%20Jan%202024%20%281%29.pdf>. In this respect, ADOT is typical of state Motor Vehicle Departments across the country. But ADOT is atypical for two reasons. First, ADOT started collecting data for lawful presence status in 1996 pursuant to Ariz. Rev. Stat. § 41-1080, ten to thirty years earlier than most other states.⁴ Second, Arizona is one of the few states that effectively allow permanent licenses that do not need to be renewed; in Arizona, drivers' licenses are valid until the recipient turns 65. Ariz. Rev. Stat. § 28-3171. *See generally* Ams. for Older Driver Safety, *All State by State*, <https://afods.org/states/state->

⁴ In most other states, Motor Vehicle Departments did not start to collect lawful presence status data until the implementation of the 2005 REAL ID Act, which is still being fully implemented by states following its effective date in 2025. *See, e.g.,* K. Van Cleve, *Real ID deadline is weeks away and most states aren't fully compliant yet*, CBS News (Apr. 22, 2025) (reporting 17 states were less than 50% compliant, and 30- states were less than 70% compliant), <https://www.cbsnews.com/news/real-id-deadline-weeks-away-most-states-not-fully-compliant-yet/>; A. Kimmerly, *Twenty years later the REAL ID debate refuses to go away*, Biometric Update (Apr. 29, 2025) (reporting only 60 percent of driver's licenses and identification cards were REAL ID compliant), <https://www.biometricupdate.com/202504/twenty-years-later-the-real-id-debate-refuses-to-go-away>. This means that individuals who obtained or renewed their license prior to implementation in their state could do so without being asked to present proof of citizenship status.

by-state-all/. The significance of this is that the ADOT database does not have citizenship information for most individuals who first obtained a driver's license before 1996 who have not yet turned 65.

2. The Timing of Data Updates and the Staleness of Data Affect the Accuracy of Citizenship Information

In Amici's experience, administrative records maintained by federal, state, and local governments typically are not updated continuously, and thus are often out of date and reflect a person's status as of some earlier date and so misrepresent their current status. *See generally* R. Wang & D. Strong, *Beyond Accuracy: What Data Quality Means to Data Consumers*, 12 J. of Mgmt. Info. Sys. 5-33 (1996).

The risks of relying on such databases for verifying that voters are citizens are exemplified by how databases treat citizenship. To be clear, Amici are unaware of any centralized, continuously updated database of citizenship status in the United States. Rather, a person's citizenship may be recorded late, or not at all, in any given database. The same observation holds true when an individual has a change in status, such as when they naturalize; that fact may never be recorded in the relevant databases, or there may be a time lag before it is entered. In other words, whether the database is updated and the timing of that update affect the accuracy of the database's citizenship information.

Each of the Designated Databases poses this risk of providing inaccurate citizenship information. With regard to the Social Security Administration, the agency represented that the citizenship information in its databases "merely represents a snapshot of the individual's citizenship status at the time of their interaction with SSA." SSA/FEC Letter at 2. This has been repeatedly confirmed. For example, a 2018 U.S.

Census Bureau report comparing Census survey responses with SSA records found widespread inconsistencies between census responses and administrative records regarding citizenship. J. D. Brown et al., *Understanding the quality of alternative citizenship data sources for the 2020 census*. US Census Bureau, Ctr. for Econ. Stud. (Wash., D.C. 2018 (revised 2019)), <https://www2.census.gov/ces/wp/2018/CES-WP-18-38R.pdf>. Although the report notes that some of this discrepancy may be the result of noncitizen respondents misreporting their status, the report also found that administrative records may fail to capture naturalizations or record them only after a delay.

With regard to SAVE, evidence was presented at trial below about lags and other timing issues in how promptly USCIS updates changes to records, including name changes and changes in citizenship status. Because the information in SAVE is provided by multiple agencies, it is particularly vulnerable to internal inconsistencies and lags in the information it is collecting. USCIS personnel testified in the proceeding below that it may take “days” to address discrepancies in data, and that updates to key information (like name changes) depend on self-reporting. Rule 30(b)(6) Deposition of USCIS at 2206, *Mi Familia Vota et al v. Fontes et al*, No. 22-cv-00509-SRB (D. Ariz. Oct. 16, 2023), ECF No. 571-6. These and other factors undermine SAVE’s reliability for purposes of determining citizenship. While SAVE may be able to note whether an individual has an Alien Registration Number (“A-Number”), academic reviews have established that hundreds of thousands of people who are recorded in SAVE as having A-Numbers have since become U.S. citizens. *See generally* R. Li et al., *Why Do Immigrants Participate in Politics Less Than Native-Born Citizens? A Formative Years Explanation*, 5 J. of Race, Ethnicity & Politics, 62-91 (Mar. 2020); L. Bass et al, *Impacting the*

Political Landscape: Who Registers and Votes Among Naturalized Americans, 23 Pol. Behav., 103-130 (2001).

Nationally, databases maintained by state Departments of Motor Vehicles reflect a person's citizenship status only at a single point in time—when that person last interacted with the agency—typically in obtaining or renewing a driver's license or other identification. State Departments of Motor Vehicles rely on individuals to affirmatively provide updates to their citizenship status. There is no legal requirement that people update their status when their citizenship changes, such as when they naturalize. Most people do not have a clear need to update their status before their credentials expire. And updating citizenship status typically incurs a cost, including an in-person visit to the Department of Motor Vehicles.

The ADOT database exemplifies these insufficiencies. Evidence presented below confirmed that ADOT database information on citizenship or authorized presence for noncitizens reflects a person's status only at the time they obtain their driver's license, and is typically updated only when the individual has to renew or update their license. As noted above, in Arizona, renewals are much less frequent than in most other states; most Arizona driver's licenses do not expire until someone turns 65, while licenses for legal permanent residents are valid as long as their permanent resident card is valid—up to ten years. The consequence is that information about someone's citizenship in the ADOT database is often stale and inaccurate.

Even when a naturalized citizen updates their citizenship status with ADOT or other database proprietors, bureaucratic gears may grind slowly as the new information makes its way through various databases. And it is common for there to be a lag between a particular database's information about an individual's

citizenship status and a new citizen's date of naturalization.

3. Data Entry Errors Undermine the Reliability of Citizenship Information in the Designated Databases

Amici's own research and academic literature confirm that large administrative databases maintained by local, state, and federal agencies contain numerous clerical errors. *See generally* D. Hand, *Statistical Challenges of Administrative and Transactional Data*, 181 J. of the Royal Stat. Soc'y 555-605 (2018); J. Groen, *Sources of Error in Survey and Administrative Data: The Importance of Reporting Procedures*, 28 J. of Off. Stats. 173-198 (2012). Clerical errors and inconsistencies may arise for multiple reasons, such as registrants mis-entering information on forms, clerks mis-transcribing information into the database, clerks incorrectly transcribing handwriting, transposing letters and numbers, inconsistently treating special characters such as spaces and hyphens, and misspelling name variants, among other errors. For example, in its 2010 report, the National Research Council identified other potential sources of error:

One common source of error in the data is data entry. Applicants typically submit handwritten voter registration forms that are sent to the election official. The applicant can make a mistake, forget to answer a question, or not write legibly. The form or its information could be altered in transmission (a field could get smudged or torn or otherwise damaged in postal

handling, for example). Keying errors result in mistranscriptions.⁵

The challenge of data entry errors due to mis-transcribing names is particularly significant for individuals with uncommon names that may be unfamiliar to state or federal agency clerks, such as those born in another country or the children of recent immigrants.

The quality of data entry also depends on how central a field is to the work of the agency that collects it. Administrative data are a by-product of operational tasks, and an agency has little reason to verify or update information that is peripheral to those tasks. *See generally* Hand., *supra*; Groen, *supra*. Each such peripheral field is therefore more prone to errors, including missing values.

Like the information in all massive databases, SSA records suffer from data entry errors. A 2012 Inspector General report to the U.S. Congress characterized the SSA database as “generally accurate,” but noted that there were errors or variances in 6 percent of the records sampled when compared to Department of Homeland Security (DHS) records. Off. of Inspector Gen., Soc. Sec. Admin.. *Accuracy of the Social Security Administration’s NUMIDENT*. Report: A-08-12-11280 (2012) , <https://oig-files.ssa.gov/audits/full/A-08-12-11280.pdf>. Other SSA Inspector General reports have noted the use of nicknames and insertion of spaces and hyphens prevent the utility of the data to verify voting eligibility. *See* Off. of Inspector Gen., Soc. Sec. Admin., A-03-09-29115, *Accuracy of the Help America Vote Verification Program Responses 7-8* (2009) , <https://oig.ssa.gov/~assets/audits/full/a-03-09-29115.pdf>.

⁵ Nat’l Acads. of Scis., Eng’g, & Med., *Improving State Voter Registration Databases: Final Report* 17 (2010), <https://doi.org/10.17226/12788>.

The SAVE system suffers from these same issues. Shannon Slattery, Acting Chief of the SAVE Program at USCIS, testified in the proceeding below that:

Principally, data integrity issues stem largely from the way data is entered into a system. Oftentimes we find users transpose data; numbers and letters may be out of sequence. There are a lot of typographical errors.

Rule 30(b)(6) Deposition of USCIS at 2279, *Mi Familia Vota et al v. Fontes et al*, No. 22-cv-00509-SRB (D. Ariz. Oct. 16, 2023), ECF No. 571-6.

Mariah Doolittle, SAVE's Chief of Product Management and Delivery further testified that:

[S]ome of the data errors for name discrepancies could be that the name is too long; the string of characters could be too long for the system. Because of that, with older system records, it could have been truncated, or if there was a hyphenated name, that would have caused issues in the past.

Id. at 2281. According to this testimony, whether the SAVE system can handle compound, unhyphenated last names “is very dependent on [the] source systems.” *Id.* at 2282.

Similarly, the ADOT database, like all massive databases with millions of records, has simple data entry errors. As the Arizona's Director of the Motor Vehicle Division Eric Jorgenson testified at trial, ADOT's weekly checks find that its records have an error rate of “approximately 10 to 15%.” App. 203a.

As discussed in more detail below, each of these errors and inconsistencies can cause election officials to fail to match a voter registration record with the proper record in an external database. The information sought by such matching may be incorrect, leading election officials

to incorrectly identify an applicant's citizenship status, possibly triggering the denial of voting rights.

B. Matching Processes Have Inherent Limitations That Generally Make Them Unsuitable to Verify Citizenship

Separate and apart from limitations and accuracy of the data in the databases it relies on for citizenship verification, the Challenged Legislation presents a second source of errors because it is dependent on the process of matching records across databases. Matching is the “procedure by which attributes of one data registration record are compared to attributes of another record (for example, a new voter registration application, a DMV driver's license, an SSA record, a record in a database of felons, and so on).”⁶

Matching errors arise when databases share no unique identifier that can link records belonging to the same person. When there is no such identifier, matching must then rely on less reliable information, such as names, dates of birth, addresses, the last four digits of a social security number, or a state driver's license number.

While record linkage without a unique identifier is common in public health and medicine, social service administration, and economics, it is not infallible. Rather, matching is vulnerable both because of inaccuracies in the underlying data and because the available identifying information may be limited, inaccurate, or unstable. Such matches can err in two directions: records belonging to different people may be treated as the same person (a false match), and records belonging to the same person may fail to link (a missed match). *See generally* I. Fellegi & A. Sunter, *A Theory for Record Linkage*, 64 J. of the

⁶ Nat'l Acads. of Scis., Eng'g, & Med., *Improving State Voter Registration Databases: Final Report* 19-20 (2010), <https://doi.org/10.17226/12788>.

Am. Stat. Ass'n 1183-1210 (1969); J. Doidge & K. Harron, *Reflections on Modern Methods: Linkage Error Bias*, 48 *Int'l J. of Epidemiology* 2050-60 (2019).

Vulnerabilities also arise from the matching protocol used. Matching methodologies are sometimes referred to as “hard” or “exact” matches or “soft” or “probabilistic” matches. “Hard” matches rely on an identical unique identifier in both databases, such as a driver’s license or social security number. “Soft” or “probabilistic” matches seek to determine whether there is a match or near match in other data fields, such as name or birth date, and are usually expressed as a probability. Both “hard” and “soft” matching methodologies create risk of error. Because a “hard” match depends on the presence of a unique identifier, it may have “missed matches” and be underinclusive in failing to identify actual matches if, for example, one of the two databases being matched has incomplete or inaccurately entered identifiers. Conversely, a “soft” match may be overinclusive and identify false matches based on partial data. For example, a database search by last name and birth date is unreliable when there are millions of records to search. The number of individuals that share the same last name and birth date is surprisingly large. *See, e.g.,* M. McDonald & J. Levitt, *Seeing Double Voting: An Extension of the Birthday Problem*, 7 *Election Law J.* 111-122 (2008).

Under the Challenged Legislation, matching is supposed to occur between registered voter databases and databases maintained by other agencies (the DHS, the SSA, ADOT) whose purpose is not to track voter eligibility or citizenship, and whose data quality issues (discussed *supra* in Argument I.A) pose significant challenges to determining accurately whether a registered voter is a citizen.

The risks of inaccurate assessment of voter eligibility are magnified here because these databases are to be matched against voter registration files. Like all large administrative databases maintained by governmental entities, voter registration files are known to contain errors and inconsistencies in how voters' information is recorded and maintained, which makes matching them against other administrative databases particularly perilous. See generally M. McDonald, *The True Electorate: A Cross-Validation of Voter Registration Files and Election Survey Demographics*, 71 Pub. Op. Q. 588-602 (2007); E. Shino et al., *Verifying Voter Registration Records*, 48 Am. Pol. Rsch. (2020); C. Cooper & J. Blitzer, *The Curious Case of the Missing Data: Registration Roll-Off and Election Administration*, 4 J. of Election Admin., Rsch. & Prac. 91-101 (2025). Agencies use different conventions to record the same information, including name order, compound or hyphenated surnames, transliteration, and date and address formats. Unless these are standardized before linkage, records for the same person may fail to match, and records for different people may match in error. P. Christen, *Data Matching* (Springer 2012); L. Zhang, *Topics of statistical theory for register-based statistics and data integration*, 66 Statistica Neerlandica 41-63 (2012).

Scholars have long found that efforts to match voter registration records against other large databases are particularly challenging—at best imperfect and at worst severely flawed. G. Stuart, *Databases, felons, and voting: Bias and partisanship of the Florida felons list in the 2000 elections*, 119 Pol. Sci. Q. 453-475 (2004); L. Minnite, *The Myth of Voter Fraud* (Cornell Univ. Press 2010); R. Hasen, *The Voting Wars: From Florida 2000 to the Next Election Meltdown* (Yale Univ. Press 2012); R. Scher, *The Politics of Disenfranchisement: Why is it So Hard to Vote in America?* (Routledge 2015); T. Wang, *The Politics of*

Voter Suppression: Defending and Expanding Americans' Right to Vote (Cornell Univ. Press 2012); D. Biggers & D.A. Smith, *Does Threatening Their Franchise Make Registered Voters More Likely to Participate? Evidence From an Aborted Voter Purge*, 50 Brit. J. of Pol. Sci. 933-954 (2020); G. Huber, et al., *The Racial Burden of Voter List Maintenance Errors: Evidence from Wisconsin's Supplemental Movers Poll Books*, 7 Sci. Advances, eabe4498 (2021). As the National Research Council summarized in 2010:

Because of data quality issues and the lack of a universally used unique identifier, record matching cannot be done perfectly in this context, that is, with zero false positives and zero false negatives. The consequence is that achieving the goal of a simultaneously 100 percent accurate and 100 percent complete voter registration list is virtually impossible. . . . From a technical standpoint, the hard problem in matching usually lies not in identifying potential matches (e.g., pairs of records that may have some but not all elements in common) but rather in how to handle the potential matches that are identified. . . . Determining whether two records refer to the same individual is usually the problematic step.⁷

The experience of jurisdictions trying to use databases to identify noncitizens on their voter rolls illustrates this difficulty, as matching technologies have shown time and time again to identify large numbers of false positives. For example:

⁷ Nat'l Acads. of Scis., Eng'g, & Med., *Improving State Voter Registration Databases: Final Report* 20-21 (2010), <https://doi.org/10.17226/12788>.

- In 2012, using identification documents, such as green cards and foreign passports, that registrants had previously presented to its motor vehicle agency, Florida identified approximately 180,000 voters as potential noncitizens. Expert analysis by amicus Daniel Smith found that Florida subsequently winnowed the list to 2,625 “potential noncitizens,” only 107 of whom were removed from the voter rolls, and Florida had not substantiated that any of these were noncitizens. Declaration & Expert Report of Daniel A. Smith, *Arcia et al v. Detzner* No. 1:12-cv-22282, (S.D. Fla. Sept. 24, 2012). ECF No. 76-1. In the words of the Eleventh Circuit, these efforts “were far from perfect[,]” *Arcia v. Fla. Sec’y of State*, 772 F.3d 1335,1339 (11th Cir. 2014), and contained “major flaws. . . .” *United States v. Florida*, 870 F. Supp. 2d 1346, 1347 (N.D. Fla. 2012).
- In 2018, the Texas Secretary of State compared the voter registration database to Texas’s driver license agency database and claimed to identify 98,000 noncitizens registered to vote and threatened to remove them from the rolls. After investigation, it appeared that nearly all of those individuals were naturalized citizens and Texas only identified approximately 80 ineligible persons on its rolls voters. See Order at 2, *Tex. LULAC et al. v. Whitley et al.*, No. SA-19-CA-074-FB, (W.D. Tex., Feb. 27, 2019), ECF No. 61.
- In August 2024, the Alabama Secretary of State, after comparing the state’s statewide voter file with data from the Alabama Law Enforcement Agency and the Alabama Department of Labor, began the process of removing 3,251 people from the state’s voter rolls and commenced criminal investigations because they had previously been issued noncitizen identification numbers. Expert analysis by amicus

Daniel Smith found that Alabama’s Purge Program violated established methodological standards resulting in false positives that wrongly identified citizens as noncitizens. After investigation, a federal judge halted the state’s purge program, stating that the Secretary “admitted that his purge list included thousands of United States citizens. . . .” See Preliminary Injunction at 1-2, *Ala. Coal. for Immigrant Just. v. Allen*, No. 2:24-cv-01254-AMM, (N.D. Ala., S.D., Oct. 16, 2024), ECF No. 90.

- In May 2026, Utah’s Lieutenant Governor published a “citizenship verification audit” covering Utah’s over 2 million voter records. Checking these records against Utah’s Driver License Division, the Lieutenant Governor asserted that she was not able to confirm citizenship for 73,811 records. When Utah ran these records through SAVE, 8,917 could not be confirmed as citizens. A manual review of these records identified a total of 27 confirmed noncitizens. See *Utah Voter Registration Citizenship Review* (May 27, 2026), <https://ltgovernor.utah.gov/wp-content/uploads/CITIZENSHIP-FULL-SUMMARY-2.pdf>.

- In July 2026, the Department of Homeland Security Secretary Mullin claimed that there were 15,903 noncitizens on Nevada’s voting rolls. In August, DHS sent Nevada a list of 185 “confirmed noncitizens.” After reviewing each of the identified individuals, Nevada confirmed that every individual identified on the list was a citizen. N. Corasanti, *From 16,000 to 185 to Zero: Trump’s Claims of Illegal Voting in Nevada Fizzle*, New York Times (Sept. 24, 2026), <https://www.nytimes.com/2026/09/24/us/politics/nevada-voters-homeland-security-trump.html>.

This track record does not inspire confidence that Arizona (or any state) could do better.

II. USING THE DESIGNATED DATABASES TO DISQUALIFY VOTERS IS ESPECIALLY UNRELIABLE IN THE NINETY DAY WINDOW PRIOR TO AN ELECTION

While errors in efforts to match records to validate citizenship are both predictable and common, the consequences of such errors are particularly serious if they occur in the days and weeks leading up to an election.

As a practical matter, voters may not receive notice that the validity of their registration has been challenged in time to challenge an erroneous removal from the voter rolls. In Arizona, the deadline to register to vote is 29 days before Election Day, Ariz. Rev. Stat. § 16-120(A), and most other states have a registration deadline of 15 to 30 days before the election. Accordingly, if—as the Challenged Legislation requires—a county election official relies on the Designated Databases and erroneously removes an eligible voter, there is little time to challenge the incorrect removal. The steps to fix the problem can be time-consuming: the voter must receive the notice of their removal, obtain and gather information and documents to contest the removal, and follow the administrative procedure to submit the necessary information; then the county official must review the information (during the busiest time of their year in the weeks prior to an election) and make the necessary change to the registration rolls, all in sufficient time for the voter to cast their ballot.

In Amici's experience, county election officials are not well equipped to address these tedious, case-by-case reviews of individual voter eligibility, particularly when the reviews involve sorting through conflicting information from diverse databases or where an individual voter provides information inconsistent with

results from databases upon which the officials are required by law to rely. This process is likely to be significantly prone to error, particularly during the busiest time of the election cycle for election officials in the weeks leading up to a general election.

CONCLUSION

The judgment of the court of appeals should be reversed.

Respectfully submitted.

JUSTIN GARRATT
ARNOLD & PORTER
KAYE SCHOLER LLP
*777 South Figueroa Street
44th Floor
Los Angeles, CA 90017
(213) 243-4000*

JOHN A. FREEDMAN
Counsel of Record
JEREMY KARPATKIN
NANCY L. PERKINS
ARNOLD & PORTER
KAYE SCHOLER LLP
*601 Massachusetts Ave., NW
Washington, DC 20001
(202) 942-5000
john.freedman@arnoldporter.com*

OCTOBER 2026